

Koshkosh E. Terms and procedural form of establishment or changes of method and order of execution of administrative court decision

Issues of establishment and change of methods of legal defence and order of execution of administrative court decisions are considered in the article. The doctrine definitions of method and order of execution of court decision, and also their designation, have been analysed in judicial practice. Terms and particularities of the procedural form of resolution of the mentioned questions, reasonable suggestion on the improvement of their legislative adjusting have been proposed also.

It is noted that establishment or change of methods and order of execution is applicable only to the court decisions; this procedure is not applicable therefore to the decisions of other authorities (public servants) that is subject to execution.

The great majority of cases with the issues of establishment or change of method and order of execution of decision deal with social payments (in particular, their re-calculation). In such cases, as a rule, there is a question about the penalty of facilities instead of an obligation to produce the re-calculation of the charged extra sums.

The procedural form of decision of these issues was clarified; the content of corresponding statements is specified. This procedure is possible within the circumstances that considerably impede or doing impossible execution of court decision. Change or establishment of method and order of execution is possible only if it is unconnected with the change of method of judicial defence, and in absence of necessity of evolving of new persons and establishment of new circumstances.

The reasonable advisability of the debtor's provision of the right to hand in a corresponding application is substantiated.

The reasonable advisability of consideration of the given application with the executant's engagement having a corresponding executive document in the procedure is substantiated.

Terms of consideration of issue or change of method and order of execution of administrative court decision are considered.

Key words: method of execution, order of execution, court decision, administrative court, method of judicial defence, impossibility of execution of decision.